IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Jeffrey A. Simyon	**Examiner:** Alfonso Castro
Application No.: 10/665,096	**Confirmation No.** 6196
Filing Date: September 17, 2003	**Group Art Unit:** 2423
Entitled: APPARATUS AND METHOD FOR DISTRIBUTED CONTROL OF MEDIA DISSEMINATION	**Attorney Docket No.:** 472449-16

MAIL STOP APPEAL BRIEF-PATENTS
Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Responsive to the Office action dated July 7, 2009 and pursuant to 37 CFR §41.37, Applicant submits the following Appeal Brief. It is not believed that any additional extensions of time or payment of additional fees are required. However, in the event that any extensions of time or additional fees are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for, and any fees required are hereby authorized to be charged to Deposit Account 11-0160.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST....3

II. RELATED APPEALS AND INTERFERENCES....4

III. STATUS OF CLAIMS....5

IV. STATUS OF AMENDMENTS....6

V. SUMMARY OF CLAIMED SUBJECT MATTER....7

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL....16

VII. ARGUMENT

A. ***Rejections under 35 U.S.C. § 103***....17

The Prior Art....17

The Prior Art Applied to the Claimed Invention....17

Failure to Establish Prima Facie Case under 35 U.S.C. § 103....18

Failure of Rationale and Absence of Teaching in the Prior Art of Record.24

VIII. CONCLUSION....37

IX. CLAIMS APPENDIX....38

X. EVIDENCE APPENDIX....47

XI. RELATED PROCEEDING APPENDIX....48

I. Real Party in Interest

Wegener Communications, a Georgia corporation, having a principal place of business at 11350 Technology Circle, Duluth, Georgia 30097, is the real party in interest.

II. ***Related appeals and interferences***

None.

III. *Status of Claims*

A. Status of all Claims

Claims 1-7 and 54-66 are cancelled.

B. Appealed Claims

Claims 8-53 and 67-85 are appealed.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action issued by the Examiner on December 30, 2009.

V. *Summary of Claimed Subject Matter*

The limitations of the appealed claims are supported in the original specification as follows:

1.-7. (Cancelled)

8. (Currently Amended) A control processor for satellite broadcast of media content data comprising;

a control processor being configured to build control instruction commands, said control instruction commands being executable by an uplink for transmission of a digital video broadcast bitstream including control instructions contained within said control instruction command; **(para 13, 35, 40)**

said control processor being in operative communication with a web server such that control instruction requests are received by said control processor after said requests are received by said web server in an HTTP transmission from a remote web browser; **(para 14, 42, 46)**

said control processor being further configured to package control instructions from said control instruction requests in an email to at least one remote slave uplink, said control processor being further configured to send a control instruction command in response to an order remotely entered from said remote web browser; and **(para. 16, 50, 53, 55)**

a communication link to a computer network, said communication link allowing said control instruction command to be emailed to remote uplinks **(para. 16)**

9. (Currently Amended) The control processor of the previous claim wherein said communication link further allows confirmation message from said at least one remote slave uplink back to said control processor via email. **(para. 17, 54)**

10. (Currently Amended) A method of controlling a media content broadcast comprising:

receiving a control instruction request at a central processor from a remote input, through a computer network linked to both said central processor and said remote input; **(para. 48)**

generating a control instruction command, said control instruction command being configured to be executable by a slave uplink for transmission of the control instructions to a plurality of remote receivers via satellite, said slave uplink being remote from said central processor; and **(para. 50, 53)**

sending said control instruction command to the slave uplink through said computer network, said slave uplink also being linked to said computer network, said sending step being executed in response to a command from said remote input; **(para. 55, 66)**

wherein said slave uplink is remote from said central processor and wherein said remote slave uplink is not configured to receive control instruction requests and wherein said remote slave uplink only receives control instruction commands through said email from said remote central processor. **(para. 50, 53, 55)**

11. (Previously Presented) The method of claim 10 wherein said computer network is the internet. **(para. 17, 54)**

12. (Previously Presented) The method of claim 10 wherein said sending step is in batch mode. **(para. 53, 66)**

13. (Previously Presented) The method of claim 10 wherein said sending step is in session mode. **(para. 66)**

14. (Previously Presented) The method of claim 10 wherein said control instruction command includes scheduling. **(para. 67)**

15. (Cancelled)

16. (Previously Presented) The processor of claim 8 wherein said control processor links to said computer network via a protocol selected from the group consisting of:

SMTP, HTTP, FTP, and TFTP. **(para. 42)**

17. (Previously Presented) The processor of claim 8 further comprising a graphical user interface with said control processor. **(para. 48)**

18. (Previously Presented) The processor of claim 8 wherein said control processor operates on Unix. **(para. 48)**

19. (Previously Presented) The processor of claim 8 wherein said link between said control processor and said computer network is an Ethernet/LAN link. **(para. 48)**

20. (Previously Presented) The processor of claim 8 wherein said control processor is associated with said web server via a socket server. **(para. 48)**

21. (Previously Presented) The processor of claim 8 further comprising a status memory in operative communication with said control processor. **(para. 59)**

22. (Previously Presented) The processor of claim 21 wherein said status memory records a receiver status and user status. **(para. 59)**

23. (Previously Presented) The processor of claim 21 further comprising an update driver, said update driver being configured to update said status memory to record a current status. **(para. 49)**

24. (Previously Presented) The processor of claim 8 further comprising a batch aggregator in operative communication with said control processor. **(para. 50)**

25. (Previously Presented) The processor of claim 24 wherein said batch aggregator and said control processor are separate components. **(para. 50)**

26. (Previously Presented) The processor of claim 24 wherein said batch aggregator is configured to complete a batch for transmission upon obtainment of a preconfigured batch volume. **(para. 50, 76)**

27. (Previously Presented) The processor of claim 24 wherein said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out. **(para. 50, 76)**

28. (Previously Presented) The processor of claim 8 wherein said control processor and said web server communicate via a language selected from the group consisting of:

Perl, TCL, C, C++, or Visual Basic. **(para. 51)**

29. (Previously Presented) The processor of claim 8 wherein said uplink further comprises a control stream inserter. **(para. 54)**

30. (Previously Presented) The processor of claim 8 wherein said uplink further comprises a firewall. **(para. 54)**

31. (Previously Presented) The processor of claim 8 wherein said web server further comprises a firewall. **(para. 15)**

32. (Previously Presented) The processor of claim 8 wherein said uplink further comprises an encoder and a multiplexer. **(para. 54, 57)**

33. (Previously Presented) The processor of claim 8 wherein said uplink further comprises an audiovisual input device. **(para. 55)**

34. (Previously Presented) The processor of claim 33 wherein said audiovisual input device is a live feed. **(para. 55, 57)**

35. (Previously Presented) The processor of claim 8 further comprising a schedule memory. **(para. 67)**

36. (Currently Amended) The processor of claim 35 wherein said schedule memory is located at said slave uplink. **(para. 76, 87)**

37. (Previously Presented) The processor of claim 35 wherein said schedule memory is located at said control processor and in operative communication with said control processor. **(para. 76, 87)**

38. (Currently Amended) The processor of claim 8 wherein said slave uplink is a conventional uplink, said conventional uplink further comprising a separate control processor. **(para. 16, 41, 44)**

39. (Previously Presented) The processor of claim 8 wherein said control instruction request includes a receiver address, a device address, a control parameter and a parameter data. **(para. 62, 66)**

40. (Previously Presented) The processor of claim 8 further comprising default control instructions stored in a memory exit, said memory being operatively accessible by said control processor. **(para. 58)**

41. (Previously Presented) The processor of claim 8 further comprising an activity log. **(para. 65)**

42. (Previously Presented) The processor of claim 41 wherein said activity log is searchable. **(para. 65)**

43. (Previously Presented) The processor of claim 8 wherein said control instruction request is encrypted. **(para. 66)**

44. (Previously Presented) The processor of claim 8 wherein said control instruction command is encrypted. **(para. 66)**

45. (Previously Presented) The processor of claim 8 wherein said control instruction command includes receipt confirmation instructions. **(claim 45)**

46. (Previously Presented) The processor of claim 8 wherein said control instruction command includes no-error confirmation instructions. **(claim 46)**

47. (Previously Presented) The processor of claim 46 wherein said control processor is configured to resend a control instruction command if a no-error confirmation is not received. **(claim 47)**

48. (Previously Presented) The processor of claim 8 wherein said control processor is configured to update a status memory if a no-error confirmation message is received from said uplink. **(claim 48)**

49. (Previously Presented) The processor of claim 8 wherein said control instruction request includes an instruction to schedule transmission of control instructions at a later selectable time. **(para. 67)**

50. (Previously Presented) The processor of claim 8 wherein said control instruction command includes a control instruction packet. **(para. 82 -87)**

51. (Previously Presented) The processor of claim 50 wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number, a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum. **(para. 87)**

52. (Previously Presented) The processor of claim 8 wherein said control instruction request includes a control instruction packet. **(para. 82-87)**

53. (Previously Presented) The processor of claim 52 wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number, a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum. **(para. 87)**

54. – 66. (Cancelled)

67. (Currently Amended) The processor of claim 8 wherein said slave uplink is operative to transmit data over a broadcast network to a plurality of receivers. **(para. 16, 41, 44)**

68. (Previously Presented) The processor of claim 8 wherein said communication link is remote from said control processor. **(para. 16, 41, 44)**

69. (Previously Presented) The processor of claim 8 wherein said communication link is remote from said uplink. **(para. 10, 16, 41, 44)**

70. (Previously Presented) The processor of claim 8 wherein said communication link is remote from any of a plurality of receivers receiving said control transmissions. **(para. 10, 16, 41, 44)**

71. (Currently Amended) The processor of claim 8 wherein said communication link is remote from said control processor, from said slave uplink and remote from any of a plurality of receivers receiving said control transmissions. **(para. 16, 41, 44)**

72. (Previously Presented) The processor of claim 8 having at least two uplinks. **(para. 16, 41, 44)**

73. (Previously Presented) The processor of claim 8 wherein said control instruction request is received by said control processor from said web server through said communication link. **(para. 44)**

74. (Previously Presented) The control processor of claim 8 wherein said master control processor is configured to combine control instructions in said control instruction request with control instructions stored in a memory, said stored instructions being scheduled control instructions and wherein said master control processor is further configured to output an email combining said control instruction requests with said scheduled control instructions from memory in a single control instruction command. **(para. 44, 54, 56)**

75. (Previously Presented) The control processor of claim 8 being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content. **(para. 86)**

76. (Previously Presented) The control processor of claim 8 further configured to record a history of control instructions in a memory. **(para. 67)**

77. (Previously Presented) The method of claim 10 wherein said master control processor is configured to combine control instructions in said control instruction request with control instructions stored in a memory, said stored instructions being scheduled control instructions and wherein said master control processor is further configured to output an email combining said control instruction requests with said scheduled control instructions from memory in a single control instruction command. **(para. 44, 54, 56)**

78. (Previously Presented) The method of claim 10 being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content. **(para. 47, 48)**

79. (Previously Presented) The method of claim 10 further configured to record a history of control instructions in a memory. **(para. 67)**

80. (New) The method of claim 8 further comprising said slave uplink excluding database storage and retrieval components. **(para. 16, 81)**

81. (New) The method of claim 8 further comprising said slave uplink excluding a control instruction generating component. **(para. 16, 81)**

82. (New) The method of claim 8 further comprising said slave uplink being configured to provide content data that is exclusively a live feed. **(para. 16, 55, 57, 81)**

83. (New) The method of claim 8 further comprising content data for transmission by said slave uplink being provide from outside said slave uplink. **(para. 16, 81)**

84. (New) The method of claim 8 further comprising said slave uplink being in operative communication with a LAN, said LAN providing content data unloadable to said slave uplink for transmission according to said control instruction command. **(para. 48)**

85. (New) The method of claim 8 further comprising said slave uplink comprising a decryptor, a validator and a control stream inserter that inserts control instructions for transmission in an outgoing data stream for broadcast. **(para. 82-87)**

All citations to support are directed to specific examples of the recited limitations, and each limitation is discussed and supported throughout the original specification and claims when properly taken as a whole.

VI. *Grounds of Rejection to be reviewed on appeal*

All claims are rejected under 35 USC §103(a) as being obvious over U.S. Patent. No. 6,584,082 (Willis et al.), U.S. Patent No. 6,724,737 (Boyden et al.), U.S. Patent Pub. No. 2002/0118696 (Suda) and U.S. Patent Pub. No. 2004/0172658 (Rakib et al.), the Compell User's Manual and U.S. Patent No. 6,160,989 (Hendricks et al.).

VII. ***Argument***

Rejections under 35 U.S.C. § 103

All claims are rejected under 35 USC §103(a) as being obvious over U.S. Patent. No. 6,584,082 (Willis et al.), U.S. Patent No. 6,724,737 (Boyden et al.), U.S. Patent Pub. No. 2002/0118696 (Suda) and U.S. Patent Pub. No. 2004/0172658 (Ralaib et al.) and the Compell User's Manual.

The Prior Art

The independent claims generally stand rejected over a combination of Willis (US 6,584,082) in view of Boyden (US 6,724,737). Willis is an internet multicast system primarily directed towards multicasting telephone calls. Boyden is a method for a satellite broadcast television system to respond to rain fade. The present invention is, inter alia, a system for controlling a satellite television uplink from a computer that is remote from the uplink and from a programming controller computer.

Willis does not separate control of an uplink from the physical location of the uplink and discloses a single parameter control of the uplink from the receiver by means of a feedback signal through the satellite.

Boyden teaches even less, being merely a feedback signal from a receiver to an uplink through a satellite.

Presently pending claim 1 recites an uplink, a control processor, and a communication link that is remote from said control processor. Neither Willis nor Boyden recite a control processor being controlled through a communication link remote from the processor together with the communication processor being remote from the uplink, as recited. In fact, both Willis and Boyden teach that the control processor and uplink and any communication link not be

remote from one another. Willis teaches control through a gateway server and Boyden teaches feedback from a receiver.

The Prior Art Applied to the Claimed Invention

The Willis patent is cited as teaching media dissemination generally through uplinks and remote receivers while receiving control instruction commands through the internet.

The Boyden patent is cited as teaching control and instruction requests, heavy code enablement in response to rain fades, Fig. 10 is read as a control instruction request.

The Suda patent is cited as teaching the use of master/slave configurations in the abstract in paragraph 55.

The Rakib patent is cited as disclosing uplinks receiving control instructions through e-mail in Fig. 6 and Fig. 3. The Rakib reference is alleged to teach the presently claimed distinct control instruction request and separate control instruction command.

The Hendricks patent teaches multiple satellite uplinks, each of which has full and equivalent control processing hardware.

Failure to Establish Prima Facie Case under 35 U.S.C. § 103

The initial burden of establishing a prima facie case of obviousness is on the patent office, *In re Reinhart*, 531 F. 2d 1048, 189 USPQ 143 (CCPA 1976), MPEP 2142. The Final Office Action fails to bear this burden.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, the Examiner bears the burden of establishing each of three requirements. First, the references must teach or suggest each and every element and limitation recited in the claims. *In re Vaeck*, 947 F. 2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991), MPEP §2142. See M.P.E.P. § 2143.03. Traditionally, the Examiner must next establish that some suggestion or motivation exists, either in the references

themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the references to achieve the presently claimed invention. See M.P.E.P. § 2143.01. Third, the Examiner must establish a reasonable expectation of success for the proposed combination. See M.P.E.P. § 2143.02. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." M.P.E.P. § 2143. Appealing to "common sense" and "basic knowledge" without any evidentiary support cannot cure any deficiencies in the references. *In re Zurko,* 258 F.3d 1379, 1385 (Fed. Cir. 2001). The Final Office Action fails to meet any of these criteria.

The Office Action also fails to bear the examiner's burden of proof under the *Graham v. John Deere* and *KSR v. Teleflex* standards.

The *KSR* Court explicitly instructed that "Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR* at section II A. This is emphasized in the post KSR guidelines which say, "The key to supporting any rejection under 35 USC § 103 is the clear articulation of the reasons why the claimed invention would have been obvious." *See*, guidelines Section III. "Office personnel must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." Fed. Reg. Vol 72 at 57528.

The Examination Guidelines list Rationales A through G in addition to the familiar TSM test. Neither the TSM test nor the Guidelines rationales appear in the Office Action. This is the first reason why the Office Action fails to bear the examiner's burden of proof.

The relevant language from *KSR* is;

"Neither the enactment of §103 nor the analysis in Graham disturbed this Court's earlier instructions concerning the need for caution in granting a patent based on the combination of elements found in the prior art. For over a half century, the Court has held that a "patent for a combination which only unites old elements with no change in their respective functions . . . obviously withdraws what is already known into the field of its monopoly and diminishes the resources available to skillful men." Great Atlantic & Pacific Tea Co. v. Supermarket Equipment Corp., 340 U. S. 147, 152 (1950). This is a principal reason for declining to allow patents for what is obvious. The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. Three cases decided after Graham illustrate the application of this doctrine.

In *United States* v. *Adams*, 383 U. S. 39, 40 (1966) , a companion case to *Graham*, the Court considered the obviousness of a "wet battery" that varied from prior designs in two ways: It contained water, rather than the acids conventionally employed in storage batteries; and its electrodes were magnesium and cuprous chloride, rather than zinc and silver chloride. The Court recognized that when a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result. 383 U. S., at 50–51. It nevertheless rejected the Government's claim that Adams's battery was obvious. The Court relied upon the corollary principle that when the prior art teaches away

from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *Id.*, at 51–52. When Adams designed his battery, the prior art warned that risks were involved in using the types of electrodes he employed. The fact that the elements worked together in an unexpected and fruitful manner supported the conclusion that Adams's design was not obvious to those skilled in the art.

In *Anderson's-Black Rock, Inc.* v. *Pavement Salvage Co.*, 396 U. S. 57 (1969) , the Court elaborated on this approach. The subject matter of the patent before the Court was a device combining two pre-existing elements: a radiant-heat burner and a paving machine. The device, the Court concluded, did not create some new synergy: *The radiant-heat burner functioned just as a burner was expected to function; and the paving machine did the same*. The two in combination did no more than they would in separate, sequential operation. *Id.*, at 60–62. In those circumstances, "while the combination of old elements performed a useful function, it added nothing to the nature and quality of the radiant-heat burner already patented," and the patent failed under §103. *Id.,* at 62 (footnote omitted).

Finally, in *Sakraida* v. *AG Pro, Inc.*, 425 U. S. 273 (1976), the Court derived from the precedents the conclusion that when a patent "simply arranges old elements *with each performing the same function it had been known to perform*" and yields no more than one would expect from such an arrangement, the combination is obvious. *Id.*, at 282.

The principles underlying these cases are instructive when the question is whether a patent claiming the combination of elements of prior art is obvious. When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Sakraida* and *Anderson's-Black Rock* are illustrative—a court must ask whether the improvement is more than the predictable use of prior art elements *according to their established functions.*

Following these principles may be more difficult in other cases than it is here because the claimed subject matter may involve more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement. Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F. 3d 977, 988

(CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *See, KSR*, section II A. [emphasis added]

KSR Guidelines Not Followed

The Office Action lacks any citation to quotations in the prior art of record that teaches, suggests or motivates the combination of elements presently claimed. The Office Action also completely lacks anything similar to the approved rationals of the post KSR guidelines, see the Federal Register Vol. 72, No. 195, Wednesday, October 10, 2007 at page 57529. Prior art elements are not being combined according to known methods. It cannot be said that the results were predictable, as the use of the elements taught by the prior art reference would be inoperative as explained below. Neither is their a simple substitution of one element for another; once again, the recited claims recite hardware, connections and operability not disclosed in the prior art.

Failure of Rationale and Absence of Teaching in the Prior Art of Record

MPEP § 2111 is not a license for unlimited ingenuity. Rather, claim terms are to be read as broadly as is *consistent with the specification.*

> **2111 Claim Interpretation; Broadest Reasonable Interpretation [R-5]**
>
> **CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION**
>
> During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard: The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must "conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." 37 CFR 1.75(d)(1).

Hence, when the claims recite a "slave uplink," and further recite structural descriptions of the capabilities of the slave uplinks relative to a master control processor, it is inadequate to cite any networking prior art patent that simply uses the words "master" and "slave" as teaching the claim limitation, as the Office Actions attempt to do with the Suda reference. It is inadequate

to read the teaching of a plurality of uniform, identical fully capable uplinks wherein one of them initiates distribution of control instructions, as is attempted with the Hendricks reference in the Office Actions, as teaching specifically recited structural limitations of the slave uplinks. It is inadequate to read the teaching of a "rain fade" response from a receiver to a satellite as a "control instruction request" as claimed, as the Office Action's attempt to do with the Boyden reference.

Response to Arguments

The Primary References Willis and Boyden Fail to Teach the Recited Limitations.

The pending claims recite a control processor, a remote web browser, a remote slave uplink, and two network connections between these three components. The claims recite a control instruction request from the web browser to the control processor, and a control instruction command from the control processor to the slave uplink.

The Willis reference does not disclose, teach, suggest or motivate any computer network connecting its "stream gateway 410" to "uplinks 460 or 470". Accordingly Willis cannot teach the presently claimed network connection and e-mail link between the two. The entire discussion of Figure 4, and indeed sequentially adjacent Figures 3 and 5, is completely devoid of any teaching of a computer network between stream gateway 410 and uplinks 460 or 470.

Willis does not disclose a "control instruction request" as claimed. The Office Actions acknowledge this.

A more general review of the Willis reference indicates that it teaches away from a computer network connecting stream gateway 410 to uplinks 460 or 470. To wit, in column 8, line 56 through column 9, line 17 the general "topology" of the system is described. The communication of a content source with the transmitting facility is expressly disclosed as being

via network or internet, see column 8, lines 64 – 65. The path between the transmitting facility 110 and the receiving 150 is also disclosed as being via the internet, *see,* column 9, lines 3-5. The communication of the receiver back to the transmitting facility is expressly disclosed as via the internet, *see* column 9, lines 12 – 16. However, there is no corresponding disclosure that the transmitting facilities "output gateways" and the uplinks themselves, that is the link between 410 and 460/470, may also be by network or internet. Because every other possible link between processors that could be by network or internet is expressly disclosed as such, the absence of such disclosure at the link under consideration indicates that it is not by network or internet.

Moreover the gateways 410 and uplinks 460/470 are elsewhere referred to as their own integral unit – the "broadcast operation center," further indicating that they are not separate units networked together, *see*, e.g., Fig. 2.

Because Willis individually, or in combination with the other prior art of record, fails to teach the final limitation of claim 1, the Willis reference, individually, or in combination with the other references, fails to support a prima facie case of obviousness of the pending set of claims.

The Boyden reference teaches only an error signal from a receiver back to an uplink through the satellite when inadequate signal is received. This response warning initiates a "rain fade" routine whereby "heavy code" is transmitted. This is inadequate, alone or in combination, to teach the control instruction request as recited.

Moreover, the dependent claims recite even further structural detail not taught by the primary references. For example, Claims 67 through 73 recite further details of the distinction already adequately claimed in claim 1. Claim 67 recites that "said uplink is operative to transmit data over broadcast network to a plurality of receivers." The recitation of a broadcast network distinguishes that broadcast network from the separately recited computer network in the first

limitation. Claim 68 recites that the communication link is remote from the control processor. Claim 69 recites that the communication link is remote from the uplink. Claim 70 recites that the communication link is remote from the receivers. Claim 71 recites that the communication link is remote from all three. Claim 72 recites that there be two uplinks. Any one of these further distinguishes the present invention as claimed from the prior art of record.

Slave Uplinks - The Suda Reference Fails to Teach the Claim Limitations

Structural limitations in the claims recite that the uplinks are "slaves." The specification indicates that the slave uplinks did not need to have expensive database storage and retrieval software and did not need to have their own expensive control hardware. *See,* paragraph 16. The Examiner acknowledges that the Willis, Boyden and Rakib references do not disclose such structural limitations, or motivate or teach them. Instead the Suda reference is cited.

The claims by reciting a "slave" uplink are adequate to recite non-obvious and novel structure patentably distinct from the prior art of record. Applicant is entitled to be its own lexicographer. Accordingly, recitation of the term "slave", which is discussed at length in the specification, by itself recites sufficient structure. Applicant recites further specific structure for slave uplinks in claims 80-85.

Claim 38 recites that the slave uplink be a conventional uplink. Accordingly, by the doctrine of claim differentiation, the recitation in dependent claim 38 of a conventional uplink distinguishes the recitation of a slave uplink in the lead independent claim, claim 8.

The Suda reference teaches only a hard wired network architecture characterized therein with the words "master" and "slave". It does not teach anything about satellite broadcast transmissions or their uplinks, let alone the particular structures recited in Claims 80-85.

The Final Office Action

The fundamental flaw with the Final Office Action an with the Examiner's position throughout prosecution is that all the prior art references disclose two element systems, typically an uplink with full control processing and a receiver. Certainly control instructions for transmitter uplinks were known in the prior art, as was described in the prior art section of the specification. The present claims, however, recite a three element system, wherein including a transmitter uplink, slave uplink and a web browser for entering control instructions through a remote computer. The receiver of the satellite transmissions is not claimed. There being three elements, there is thereby necessitated two different steps for executing control instructions. These are reflected in the claims with the recitation of a control instruction *request*, as distinguished from a control instruction *command*. The fundamental flaw of the Examiner's rationale, then, is that prior art control instructions, from whatever reference, can be simultaneously read on both of these different claim limitations. They cannot. In fact, the Examiner through prosecution has expressly read the control instructions of the primary Willis reference as a control instruction *request* and has recited and thereafter been silent on the presence of a control instruction *command* (since there is no control instruction command in the prior art, as distinguished from the control instruction request). The Examiner focuses what attention is given to these claim limitations to the system architecture, that is the block diagrams, of the Willis reference, and glosses the absence of the "third box" contemplated in the pending claims. The claims necessitate two different transmissions of the control instructions, a first transmission of them as a request to a control processor and a second transmission as a command to a slave uplink.

The useful novel and non-obvious invention claimed includes the ability to maintain a single "broadcast operation center" in combination with one or more uplinks that need not have extensive broadcast operation center computing capabilities. The controller is enabled to receive control instruction guidance ("a control instruction request") from any web browser connected to the internet, to reconfigure it and e-mail it to a slave uplink. A two step process, two connection structure is claimed that does not appear in the prior art.

The Boyden reference adds nothing to cure this fundamental defect. In fact, the Final Office Action on page 5 cites Boyden not as adding a teaching of a limitation missing from Willis, but as teaching the same limitation, i.e., the control instruction request. Boyden also discloses a two element system, wherein the receiver of the content data stream, a satellite TV receiver in most cases, can send back, through the satellite, a rain fade indication, and thereby actuate a control instruction to send "heavy code", a recognized rain compensation technique. This is nothing more than an alternate second element in the overall system. Both the Willis control instructions and the Boyden rain fade signal, if read as teaching a control instruction request, teach nothing to distinguish that control instruction request from the repackaging of the control instructions as a control instruction command. Not surprisingly, the Office Action remains silent about control instruction commands being distinguished from control instruction requests at this point.

Stated conversely, an uplink will receive a signal comprising control instructions and send code as instructed. Wherever it comes from, the sending of these control instructions is a single step. In Willis it comes from a "broadcast operation center to 10". In Boyden it comes from a receiver. In all cases, it is the same step of forwarding control instructions. Nowhere in the prior art is there disclosed a two step process for creating and sending control instructions.

Willis teaches one step control instruction signaling: "broadcast operation center 210" to uplink. Boyden teaches a one step control instruction signal: receiver to uplink. At no place does the prior art of record teach a two step control instruction system: web browser to control processor to uplink.

These claim limitations and the failure of the prior art to teach them very clearly correspond to a great deal of utility added by the invention. In the prior art, an operator was tied to either the broadcast operation center. He could not access the control processor from anywhere and control his uplinks. The Boyden disclosure of an automatic receiver signal does nothing to liberate the operator from the broadcast operation center either.

Suda likewise teaches only a single step transmission of controls to a less powerful component.

The Rakib Reference Fails to Teach the Recited Limitations

The insufficiencies of the combination of Boyden Willis and Suda are not cured by the additional recitation of the Rakib reference. The Rakib reference is a video on demand patent, *See*, Title, that is cited by the Examiner as teaching the recited limitation of a remote unlink receiving control instruction commands through e-mail, as distinguished from control instruction requests, citing Rakib Figs. 6a-e in Fig. 3. On page 6 of the Final Office Action, the Examiner states, "See Rakib, Figs. 6a-e, Fig. 3 shows that Gateway relays the control instruction commands via a control instruction request (from user at remote control or keyboard). The commands are generated by e-mail sent requests to Gateway via user station and through network)".

The disclosure of Rakib is insufficient to establish a prima facie case of obviousness for two reasons. First, the reading of Rakib as disclosing a communication by e-mail is not entirely

accurate, also in two ways. Secondly, the combination of Willis, Boyden, Suda and Rakib still fails to distinguish between a control instruction request and the claimed command that is claimed separately and recited as a separate structural limitation in the claims appealed.

Both lead independent claims (8 and 10) recite that e-mail is used to transmit control instruction commands from the central control processor to the remote slave uplink. The Rakib reference does not disclose e-mail at any point. This in and of itself is sufficient to hold that a prima facie case of obviousness has not been established. However, there are more compelling reasons than that for reversing the rejections. The Office Action reads the recited limitation to e-mail communication as being the method for sending a control instruction *request* from a remote web browser to the central processor. The claims actually recite that e-mail is the method for sending the control instruction *command* from the central processor to the remote slave uplink.

It is assumed that the Examiner is referencing the use disclosed in Rakib of a television remote control to input selections from a menu on a television which are thereafter relayed to a network interface (*See*, Reference Nos. 80, 28 and 30, respectively, Fig. 3 and Paragraph 142). This does not constitute e-mail, and is not analogous to it. The network adaptor 30 of Rakib then sends an IP packet to the "gateway 14, 86". *See*, Figs. 3 and 4a respectively. This is still not e-mail but it is transmission of a packet over a network. It is assumed the Examiner's analysis is that this is sufficiently analogous to e-mail to render the recitation of e-mail an inconsequential and noninventive distinction.

The recitation of e-mail between the control processor and the remote slave uplink to send a control instruction command is consequential and inventive. Again, Rakib is cited for disclosing the distinction between sending control instruction requests and sending control instruction commands. The method of communication actually disclosed in the Rakib reference,

is that the communication between the "video server" of Rakib (read to teach the control processor presently claimed) and the satellite uplink facility in Rakib, is a hardwire T1 or DS1 line. *See*, Rakib paragraph 176. This structure would render impossible the communication of the video server or command control processor to a *mobile* slave uplink such as are used for live feeds by news agencies. The combination suggested by the Examiner is inoperable.

Hence, a rejection based on the combination of the other references with Rakib fails for at least three reasons. First, Rakib does not teach e-mail at all, let alone as claimed. Secondly, even that portion of Rakib read by the Examiner as an analogous substitute for e-mail, is taught as the communication route between the original input of a control instruction request (with a TV remote, not a web browser as claimed) to a central processor (a "gateway", not a control processor as claimed), whereas what is claimed is an e-mail communication between the control processor and the slave uplink further downstream. Third, the reference teaches away from the e-mail communication of a control instruction and command from the control processor to the remote slave uplink by teaching the necessity of a hard wire communication between these two, such as a T1 line.

The second reason that a prima facie case cannot be established by the combination suggested in the Final Office Action is that the only reference teaching what the Examiner reads as a control instruction request (from a user input) only teaches a single communication from the user, which is not what is claimed. The Rakib reference is directed toward video *on demand.* The only teaching in Rakib is that a user, i.e., an end user watching TV, demands video in real time and enters a single communication to demand it. *See*, paragraph 142. This is forwarded as an IP packet from his television/network adaptor to a "gateway" which gateway in turn serves to forward the message for execution of the demanded video back to the requesting user, which

may be through a satellite distribution system having an upload. However, there is only one communication of a demand taught by Rakib. Accordingly, Rakib teaches a system wherein the demand for video may *only* be executed by the system in real time.

One of the inventive distinctions presently claimed is that the control instruction requests claimed may be both made from a remote location, but may also be entered as desired with a first communication and then subsequently executed with the second communication.

Independent apparatus Claim 8 recites, a control instruction request through a web browser being sent to a control processor, and, separately, ". . . an *order* remotely entered from said remote web browser . . ." to "send a control instruction command in response to [the order]". Lead independent method Claim 10 recites the same structure, with the limitation ". . . said sending step being executed in response to a command from said remote input." Which is a separate structural recitation from the claimed control instruction request. This capability of separating in time the control instructions input by a user from the demand, order or request that the instructions actually be executed is nowhere taught in the Rakib reference or any of the other references. Rakib teaches only real time "on demand" ordering through a single user instruction input. Accordingly, adding the teachings of the Rakib reference still falls short of the operability presently claimed, falls short of teaching the claimed structure, and falls short of making a prima facie case of obviousness.

This is consequential and patentable because of the capabilities it enables that were not enabled by the combination suggested by the Examiner and which combination is not operative to execute these capabilities. The immediate or live feed instructions may be combined with instructions stored in memory or scheduled instructions, *See*, for example Claims 35 and 36. While the references cited do teach memories and schedules at various disjointed points, there is

nowhere taught the apparatus, structure or method steps presently claimed that distinguish control instruction requests from the ordering or requesting of their execution. The combination suggested by the Examiner is inoperative to request such functionality. To the extent that the references such as Rakib teach remote instruction entry at all, they teach away from the presently claimed apparatus and method because they teach an on demand system that instructs and executes simultaneously.

That this distinction is grounded in common sense and reality is revealed by only a moment's reflection. The present invention is for the use of TV producers, who may advantageously control programming from a remote position and may, with the claimed invention, control it with a single economic or central control processor and yet still control a plurality of remote slave uplinks, all from a remote location. In contrast, the references cited in the Office Action are all directed to either to component systems or to control instructions submitted by the ultimate end user, the viewer, not a producer, who is requesting real time on demand service. Hence, the combination relied upon in the Office Action would be inoperative to execute many capabilities of the present invention, such as the use of remote slave uplinks having no central control processing of their own, such as the live feeds recited in Claim 34 and such as control instruction requests through a link remote from the end users receiver, such as recited in Claim 70.

The Hendricks Reference Fails to Teach the Recited Limitations

With regard to Claims 80-85 reciting additional structure for the slave uplink, the Office Action acknowledges that the mosaiced five previous prior art references are still insufficient to cover the structure recited in the claim. Accordingly, a sixth reference is added, the Hendricks

reference, U.S. Patent No. 6,160,989. The addition of this reference is still insufficient to teach the recited limitations.

As explained in the original specification, uplinks are expensive, and are very expensive if they contain a full compliment of control processing equipment. Moreover, it is difficult to make them mobile, such as uplinks advantageously used by news reporting organizations, if a full set of controlling hardware is included. Structures excluding expensive uplinks with full control processing are specifically recited in Claims 80-85. It is clear from these express claim limitations that controlling operations workload is handled at a single central "master" control processor as claimed, with no operational workload being distributed to the slaves.

The Hendricks reference actually teaches away from the claim structure. The only one of the two brief citations to that reference in the Office Action that is germane says the following:

> "There may be a single uplink cite 204 or multiple uplink sites (represented by 204', shown in phantom in Fig. 1) for each operation center 202. The unlink sites 204 may either be located in the same geographical place or may be located remotely from the operation center 202. Once the composite signal is transmitted to the uplink sites 204, the signal may be multiplexed with other signals, modulated, upconverted and amplified for transmission over satellite. Multiple cable headends 208 may receive such transmissions.
>
> In addition to multiple uplinks, the delivery system 200 may also contain multiple operations centers. The preferred method for using multiple operation centers is to designate one of the operations centers as a master operations center and to designate the remaining operation centers as slave operation centers. In this configuration, the master operation center coordinates various functions among

the slave operation centers such as synchronization of simultaneous transmissions and *distributes the operations workload efficiently.*" *See*, Hendricks at Col. 9, lines 48-67.

(The second citation to the Hendricks reference in the Office Action is completely inapposite; it discusses programming tables for sports, comedy, cartoons, etc.)

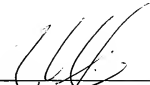
As made expressly clear in the Hendricks reference, a plurality of *identical* uplinks are taught. Software applies a master and slave designations among these identical uplinks and distributes operations workloads among the plurality of uplinks, each having equal capabilities for performing that workload. Thus the Hendricks patent teaches a system well capable of handling, for example, overload situations by having excess capacity, i.e., an expensive brute force solution. As expressly explained in the specification and structurally recited in at least Claims 80-85 in the present application, slave uplinks do not have the capability of doing the operational workload of a control processor. The operational workload cannot be distributed to the slave uplinks recited in the claims. Conversely, the Hendricks patent teaches using a plurality of uplinks, each with full processing power. It does not disclose or enable uplinks having less than full control processing.

Because the Hendricks reference not only fails to teach the claimed structure, but in fact teaches away from it, the Hendricks reference cannot establish a prima facie case of obviousness. *KSR v. Teleflex* expressly calls out teaching away as evidence of non-obviousness.

VIII. Conclusion

The obviousness rejections of the final office action fail to make a prima facie case of obviousness and should be withdrawn.

Respectfully submitted,



By: Robert C. Haldiman, Reg. No. 45,437
Husch Blackwell Sanders LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
314-480-1500
314-480-1505 (FACSIMILE)

IX. *Claims Appendix*

Claims Showing Amendments

1.-7. (Cancelled)

8. (Currently Amended) A control processor for satellite broadcast of media content data comprising;

a control processor being configured to build control instruction commands, said control instruction commands being executable by an uplink for transmission of a digital video broadcast bitstream including control instructions contained within said control instruction command;

said control processor being in operative communication with a web server such that control instruction requests are received by said control processor after said requests are received by said web server in an HTTP transmission from a remote web browser;

said control processor being further configured to package control instructions from said control instruction requests in an email to at least one remote slave uplink, said control processor being further configured to send a control instruction command in response to an order remotely entered from said remote web browser; and

a communication link to a computer network, said communication link allowing said control instruction command to be emailed to remote uplinks

~~wherein said remote uplink is not configured to receive control instruction requests at said remote uplink, said remote uplink only receiving control instruction commands through said emails from said control processor~~.

9. (Currently Amended) The control processor of the previous claim wherein said communication link further allows confirmation message from said at least one remote slave uplink back to said control processor via email.

15. (Currently Amended) A method of controlling a media content broadcast comprising:

receiving a control instruction request at a central processor from a remote input, through a computer network linked to both said central processor and said remote input;

generating a control instruction command, said control instruction command being configured to be executable by a slave uplink for transmission of the control instructions to a plurality of remote receivers via satellite, said slave uplink being remote from said central processor; and

sending said control instruction command to the slave uplink through said computer network, said slave uplink also being linked to said computer network, said sending step being executed in response to a command from said remote input;

wherein said slave uplink is remote from said central processor and wherein said remote slave uplink is not configured to receive control instruction requests and wherein said remote slave uplink only receives control instruction commands through said email from said remote central processor.

16. (Previously Presented) The method of claim 10 wherein said computer network is the internet.

17. (Previously Presented) The method of claim 10 wherein said sending step is in batch mode.

18. (Previously Presented) The method of claim 10 wherein said sending step is in session mode.

19. (Previously Presented) The method of claim 10 wherein said control instruction command includes scheduling.

15. (Cancelled)

16. (Previously Presented) The processor of claim 8 wherein said control processor links to said computer network via a protocol selected from the group consisting of:

SMTP, HTTP, FTP, and TFTP.

17. (Previously Presented) The processor of claim 8 further comprising a graphical user interface with said control processor.

18. (Previously Presented) The processor of claim 8 wherein said control processor operates on Unix.

19. (Previously Presented) The processor of claim 8 wherein said link between said control processor and said computer network is an Ethernet/LAN link.

20. (Previously Presented) The processor of claim 8 wherein said control processor is associated with said web server via a socket server.

21. (Previously Presented) The processor of claim 8 further comprising a status memory in operative communication with said control processor.

22. (Previously Presented) The processor of claim 21 wherein said status memory records a receiver status and user status.

23. (Previously Presented) The processor of claim 21 further comprising an update driver, said update driver being configured to update said status memory to record a current status.

24. (Previously Presented) The processor of claim 8 further comprising a batch aggregator in operative communication with said control processor.

25. (Previously Presented) The processor of claim 24 wherein said batch aggregator and said control processor are separate components.

26. (Previously Presented) The processor of claim 24 wherein said batch aggregator is configured to complete a batch for transmission upon obtainment of a preconfigured batch volume.

27. (Previously Presented) The processor of claim 24 wherein said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out.

28. (Previously Presented) The processor of claim 8 wherein said control processor and said web server communicate via a language selected from the group consisting of:

Perl, TCL, C, C++, or Visual Basic.

29.-53. (Cancelled)

54. (Previously Presented) The processor of claim 8 wherein said uplink further comprises a control stream inserter.

55. (Previously Presented) The processor of claim 8 wherein said uplink further comprises a firewall.

56. (Previously Presented) The processor of claim 8 wherein said web server further comprises a firewall.

57. (Previously Presented) The processor of claim 8 wherein said uplink further comprises an encoder and a multiplexer.

58. (Previously Presented) The processor of claim 8 wherein said uplink further comprises an audiovisual input device.

59. (Previously Presented) The processor of claim 33 wherein said audiovisual input device is a live feed.

60. (Previously Presented) The processor of claim 8 further comprising a schedule memory.

61. (Currently Amended) The processor of claim 35 wherein said schedule memory is located at said slave uplink.

62. (Previously Presented) The processor of claim 35 wherein said schedule memory is located at said control processor and in operative communication with said control processor.

63. (Currently Amended) The processor of claim 8 wherein said slave uplink is a conventional uplink, said conventional uplink further comprising a separate control processor.

64. (Previously Presented) The processor of claim 8 wherein said control instruction request includes a receiver address, a device address, a control parameter and a parameter data.

65. (Previously Presented) The processor of claim 8 further comprising default control instructions stored in a memory exit, said memory being operatively accessible by said control processor.

66. (Previously Presented) The processor of claim 8 further comprising an activity log.

67. (Previously Presented) The processor of claim 41 wherein said activity log is searchable.

68. (Previously Presented) The processor of claim 8 wherein said control instruction request is encrypted.

69. (Previously Presented) The processor of claim 8 wherein said control instruction command is encrypted.

70. (Previously Presented) The processor of claim 8 wherein said control instruction command includes receipt confirmation instructions.

71. (Previously Presented) The processor of claim 8 wherein said control instruction command includes no-error confirmation instructions.

72. (Previously Presented) The processor of claim 46 wherein said control processor is configured to resend a control instruction command if a no-error confirmation is not received.

73. (Previously Presented) The processor of claim 8 wherein said control processor is configured to update a status memory if a no-error confirmation message is received from said uplink.

74. (Previously Presented) The processor of claim 8 wherein said control instruction request includes an instruction to schedule transmission of control instructions at a later selectable time.

75. (Previously Presented) The processor of claim 8 wherein said control instruction command includes a control instruction packet.

76. (Previously Presented) The processor of claim 50 wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number, a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum.

77. (Previously Presented) The processor of claim 8 wherein said control instruction request includes a control instruction packet.

78. (Previously Presented) The processor of claim 52 wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number,

a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum.

54. – 66. (Cancelled)

67. (Currently Amended) The processor of claim 8 wherein said slave uplink is operative to transmit data over a broadcast network to a plurality of receivers.

68. (Previously Presented) The processor of claim 8 wherein said communication link is remote from said control processor.

69. (Previously Presented) The processor of claim 8 wherein said communication link is remote from said uplink.

70. (Previously Presented) The processor of claim 8 wherein said communication link is remote from any of a plurality of receivers receiving said control transmissions.

71. (Currently Amended) The processor of claim 8 wherein said communication link is remote from said control processor, from said slave uplink and remote from any of a plurality of receivers receiving said control transmissions.

72. (Previously Presented) The processor of claim 8 having at least two uplinks.

73. (Previously Presented) The processor of claim 8 wherein said control instruction request is received by said control processor from said web server through said communication link.

74. (Previously Presented) The control processor of claim 8 wherein said master control processor is configured to combine control instructions in said control instruction request with control instructions stored in a memory, said stored instructions being scheduled control instructions and wherein said master control processor is further configured to output an email

combining said control instruction requests with said scheduled control instructions from memory in a single control instruction command.

75. (Previously Presented) The control processor of claim 8 being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content.

76. (Previously Presented) The control processor of claim 8 further configured to record a history of control instructions in a memory.

77. (Previously Presented) The method of claim 10 wherein said master control processor is configured to combine control instructions in said control instruction request with control instructions stored in a memory, said stored instructions being scheduled control instructions and wherein said master control processor is further configured to output an email combining said control instruction requests with said scheduled control instructions from memory in a single control instruction command.

78. (Previously Presented) The method of claim 10 being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content.

79. (Previously Presented) The method of claim 10 further configured to record a history of control instructions in a memory.

80. (New) The method of claim 8 further comprising said slave uplink excluding database storage and retrieval components.

81. (New) The method of claim 8 further comprising said slave uplink excluding a control instruction generating component.

82. (New) The method of claim 8 further comprising said slave uplink being configured to provide content data that is exclusively a live feed.

83. (New) The method of claim 8 further comprising content data for transmission by said slave uplink being provide from outside said slave uplink.

84. (New) The method of claim 8 further comprising said slave uplink being in operative communication with a LAN, said LAN providing content data unloadable to said slave uplink for transmission according to said control instruction command.

85. (New) The method of claim 8 further comprising said slave uplink comprising a decryptor, a validator and a control stream inserter that inserts control instructions for transmission in an outgoing data stream for broadcast.

X. *Evidence* Appendix

A. US Patent No. 4,741,698 (Andrews)

B. U.S. Patent No. 4,789,337 (Scortecci)

C. US Patent No. 5,769,630 (Hoffman)

XI. *Related Proceeding Appendix*

None.